

**City Council of the City of New Castle
Special Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday – April 23, 2013 – 6:00 p.m.**

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Mayor Donald Reese, Treasurer Janet Carlin, City Solicitor Daniel Losco

New Business

Discussion and vote by Council to resolve the tie vote for the election of a new City Clerk pursuant to Section 6 (m) of the City Charter.

President Barthel said the Council is meeting tonight to presumably conclude the election for the position of City Clerk. There was no declared candidate and so the City is working through the individuals who received write-ins votes or votes on absentee ballots. Tom Maddox had four votes; Jamie Stewart had two votes; Dennis Gray had one vote; Kelly Koczak had one absentee ballot; Janet Wurtzel had one absentee ballot and one write in; Edith Cashman had one write-in; Brian Whitaker, one; Thomas Downes III had one; and Eliecer Infante received two.

President Barthel said Council finds itself in a predicament tonight, on advice from counsel, related to that Mr. Maddox has indicated verbally he is not interested in taking the position with four votes. Unfortunately the City does not have anything in writing to document that. Because of that the City Council will be unable to proceed at this meeting.

City Solicitor Daniel Losco said the City had a winner, Mr. Maddux, with four votes. He has verbally indicated he does not intend to serve but until he withdraws he could still show up to serve. The City anticipated having the notice of withdrawal by now, which would create a four-way tie, including City Clerk Mike Dickinson, who also received two votes. The Council, following the Charter, would have to decide among the four two-vote recipients. It is premature to say it is a tie at this point.

If Council is breaking a tie as a result of Mr. Maddox's withdrawal, they must choose from one of the individuals who received two votes. If Mr. Maddox does not withdraw and does not serve, Section 9 allows Council to pick from beyond that pool of individuals receiving two votes.

City Council agreed to convene again on the matter on Tuesday, April 30 at 5 p.m.
Councilperson Megginson made a motion to table the issue to April 30 at 5 p.m., Councilperson Petty seconded the motion. The motion passed unanimously.

Councilperson Megginson made a motion to adjourn the meeting. Councilperson Petty seconded the motion. The motion passed unanimously. The meeting was adjourned at 6:09 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk